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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/855,269

05/15/2001

Daniel Wise

25,067 USA

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02/16/2007

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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/855,269	Applicant(s) WISE, DANIEL	
	Examiner Naresh Vig	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-18 and 21-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-18 and 21-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is in response to the correspondence received on 07 December 2006. There are 43. Claims 1 – 7, 10 – 18 and 21 – 47 are pending for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite. Applicant recites the limitation "wherein the verifying step comprises a means for manually confirming the buyer information". Applicant has not positively claimed whether the claimed invention is a claim for a method or it is a claim for a system.

Response to Arguments

In response to applicant's argument that cited references do not teach prior the limitation excluding buyers from a sale. However, applicant is arguing a limitation not positively claimed by the applicant.

Applicant's other arguments and concerns are responded in response to pending claims below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 7, 10 – 18 and 21 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liquidation.com, Inc. in view Al Stamborski article “Business Find Online Auctions Help Them Save On Supplies Saving Time Also Seen As A Bonus”, hereinafter known as Stamborski.

Regarding claims 1 and 10, Liquidation teaches matching a buyer of goods with a seller of goods. Liquidation teaches:

collecting information from the seller relating to the goods [Liquidation, page 17];
classifying the goods according to a pre-selected set of criteria selected by the seller (Liquidation teaches product category),

Liquidation teaches capability for allowing sellers to define buyers that are to be denied access to the goods [Liquidation, page 30]. Liquidation does not explicitly teach buyer characteristics. However, Stamborski teaches categorizing buyers like, big (e.g. Emerson Electric Co. a manufacturer - buyer from electronic industry). Liquidation teaches capability for restricting access of sales to buyers and areas. It would have been obvious of one of ordinary skill in the art that Liquidation is capable of restricting sales to specific type of retailer.

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Liquidation in view of Stamborski teaches:

listing the goods in a secured manner (Liquidation network is secured);

collecting information relevant to said pre-selected set of criteria from the buyer (e.g. product Emerson is seeking);

verifying the information collected from the buyer (Liquidation teaches verification of both Buyers and Sellers, seller can provide buyer selection criteria);

selecting an approved buyer based on verified information (Liquidation teaches only authorized buyers as directed by seller can participate in the auction);

authorizing the approved buyer to request a query of the listed goods for those goods that the buyer seeks to buy;

determining which goods are available for the approved buyer to buy based on a linkage between the a proved buyer, the query and the pre-selected set of criteria (Liquidation teaches to have capability for only eligible buyers to be able to bid on an auction when seller has made the auction restricted.

Regarding claims 27, 37 – 40 and 44, as responded to earlier, Liquidation in view of Stamborski teaches identifying, to an approved buyer, goods offered for sale by a seller. Liquidation in view of Stamborski teaches:

allowing the seller to define criteria relating to buyers that are to be denied access to the goods. Liquidation teaches capability for restricting access of sales to buyers and areas. It would have been obvious of one of ordinary skill in the art that Liquidation is capable of restricting sales to specific type of retailer.

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collecting information relevant to said criteria from an unapproved buyer (buyer accessing the system);

verifying the information collected from the unapproved buyer (authenticating the buyer);

designating the unapproved buyer as an approved buyer (checking to see if the buyer is restricted by the seller);

allowing the approved buyer to define a query (allowing approved buyer to do search for goods);

comparing the query with the goods to determine whether the goods match the query (generating search results);

if the result of search results in list of good(s) that match the query, then check whether seller's restricted good(s) can be presented to the buyer (i.e. determine that the buyer is not a restricted buyer), and if allowed, present the restricted good(s) to the buyer;

Regarding claims 2 and 11, Liquidation in view of Stamborski teaches plurality of sellers and buyers.

Regarding claim 3, Liquidation in view of Stamborski teaches approved buyer can purchase from the seller goods which are determined to be available.

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Regarding claims 4 and 12, as responded to earlier, Liquidation in view of Stamborski teaches concept of:

- collecting information related to seller's identification;
- verifying the information collected from the seller;
- selecting an approved seller based on verified information; and
- authorizing the approved seller to provide information relating to goods of the seller.

Regarding claim 5, as responded to earlier, Liquidation in view of Stamborski teaches capability for manually confirming the buyer information by way of publicly available data (For example, mailing address).

Regarding claims 6 and 15 – 18, as responded to earlier, Liquidation in view of Stamborski teaches capability for confirming the buyer information by way of privately held data (For example, data from Dunn & Bradstreet, online checking of credit report).

Regarding claim 7, Liquidation in view of Stamborski teaches capability wherein the identity of the seller is not disclosed to the buyer.

Regarding claims 21, 24, 28, 41 and 45 as responded to earlier, Liquidation in view of Stamborski teaches capability wherein the category of trade classification includes manufacturer.

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Regarding claims 22, 25, 29, 42 and 46 as responded to earlier, Liquidation in view of Stamborski teaches capability wherein the category of type of retailer to be general merchandiser.

Regarding claims 23, 26, 30, 43 and 47 as responded to earlier, Liquidation in view of Stamborski teaches capability wherein industry includes general merchandise.

Regarding claim 13, Liquidation in view of Stamborski teaches capability wherein the sellers and approved buyers access the system by way of a public communications network.

Regarding claim 14, Liquidation in view of Stamborski teaches capability wherein the sellers and approved buyers access the system by way of a private communications network.

Regarding claim 31, as responded to earlier, Liquidation in view of Stamborski teaches seller can define identity of one or more entities that are to be denied access to the goods.

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Regarding claims 32 – 36, as responded to earlier, Liquidation in view of Stamborski teaches capability wherein approved buyer is determined to match the criteria if the approved buyer matches any characteristic or is any of the entities.

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Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig
Examiner
Art Unit 3629